

REMARKS/ARGUMENTS

Claims 1-2 and 18-28 are pending in this application. Claim 28 has been added.

The examiner is thanked for his helpful comments in the telephone call. Claim 1 has been amended to conform the computer readable medium element to the Patent Office desired format. Claim 1 has also been amended to clarify that the interlude switch is proximate the camera, as described in more detail below. Claim 18 has been amended to be a method claims that parallels the apparatus claim 1. New claim 28 is similar to claim 1, further requiring that (1) the interlude switch changes to a "recorded image," and (2) the interlude mode can be activated for a "video call."

The invention is directed to providing video from a webcam to the Internet, which can be replaced by another, prerecorded image by the user (sender) when the user doesn't want to be on the webcam. This is not shown in the prior art. The office action needs 3 references to try to show all the elements.

Anderson simply shows a webcam

Truetken simply shows video being initiated when there is an incoming call for a video call.

Ozaki simply shows a security console which monitors multiple cameras from a remote location, over the internet.

In the office action, Ozaki is said to show switching between cameras, pointing to column 2, lines 29-42 and column 5, lines 48-55. However, the interlude switch of the present invention is provided at the source, on the camera side of the webcam. Ozaki, in the sections referenced, describes switching between cameras "in a remote image monitoring system" (col. 2, lines 31-32). This is not at the source side, or at the camera. Claim 1 has been amended to clarify this by adding that the interlude switch is in proximity with the digital camera.

This distinction goes to the different functions of the invention and Ozaki. Ozaki allows a security guard to monitor multiple areas with multiple cameras. The present invention allows a user to use the same camera for a web cam internet page and for video conferencing, by providing an interlude switch that can keep the web cam internet page from showing the user while on the video call.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. In re Fine, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1599 (Fed. Cir. 1988). MPEP § 2143.01. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and must not be based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991). MPEP § 2412. It is submitted that not only is there no teaching to combine the 3 references, none of the 3 references show or suggest an switch on the source or camera side for switching views.

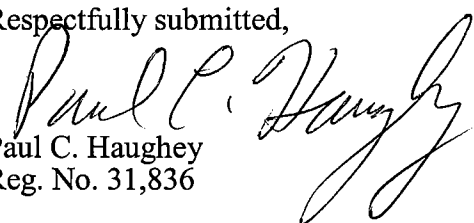
In addition, no motivation arising from the cited prior art has been cited. Indeed, from the art cited, one would use the separate software of Truetken, with a webcam at the security guard's station in Ozaki, while the security guard is monitoring the remote cameras. It would not make sense to use the remote cameras for the video call, since the security guard is not at these locations.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


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